

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 16, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Ellie Boldman Hill (D)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 424, 2/13/2015; HB 425, 2/13/2015; HB 447, 2/13/2015; HB 448, 2/13/2015; HB 466, 2/13/2015

Executive Action: HB 298, HB 317, HB 330, HB 333, HB 371, HB 388, HB 412

00:01:09 Chair J. Bennett

HEARING ON HB 424

Opening Statement by Sponsor:

00:02:40 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 424, Revise public meeting laws related to the Montana supreme court.

[EXHIBIT\(juh35a01\)](#)

Proponents' Testimony:

00:07:51 Hollis Poe, Self
00:08:29 Margaret Mullaly, Self
00:08:41 Jim Brown, Self
00:10:29 Rep. Regier joined the meeting.
00:10:43 Jerry O'Neil, Self
00:11:47 Annie Bukacek, Self

Opponents' Testimony:

00:12:14 Chief Justice Mike McGrath, Montana Supreme Court
00:18:20 Bruce Spencer, State Bar of Montana
00:22:19 Al Smith, Montana Trial Lawyers Association (MTLA)
00:23:14 Ed Bartlett, Montana Judges Association on behalf of state district court judges

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:30 Rep. McConnell
00:26:43 Chief Justice Mike McGrath, Montana Supreme Court
00:27:20 Rep. McConnell
00:27:48 Al Smith, MTLA
00:28:37 Rep. Monforton
00:30:02 Rep. Fiscus
00:30:53 Chair J. Bennett
00:30:57 Rep. Fiscus
00:31:10 Chief Justice Mike McGrath, Montana Supreme Court
00:31:42 Rep. Regier
00:32:14 Chief Justice Mike McGrath, Montana Supreme Court
00:32:48 Rep. Kelker
00:33:13 Chief Justice Mike McGrath, Montana Supreme Court
00:33:53 Rep. Court
00:34:43 Bruce Spencer, State Bar of Montana

Closing by Sponsor:

00:35:18 Rep. Monforton

HEARING ON HB 466**Opening Statement by Sponsor:**

00:42:43 Rep. Mike Miller (R), HD 80, opened the hearing on HB 466, Authorize state to be reimbursed for extradition costs as part of restitution.

Proponents' Testimony:

00:44:33 Kiki Moses, Self

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:46:10 Rep. Doane
00:46:42 Rep. Miller
00:47:15 Rep. Eck
00:47:32 Helen Thigpen, Legislative Services Division (LSD)
00:47:46 Rep. Eck
00:47:51 Rep. Regier
00:48:19 Rep. Miller

Closing by Sponsor:

00:48:33 Rep. Miller

HEARING ON HB 447**Opening Statement by Sponsor:**

00:48:59 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 447, Revise right to participate laws related to attorney fees.

Proponents' Testimony:

00:54:32 John MacDonald, Montana Newspaper Association
[EXHIBIT\(juh35a02\)](#)
00:57:07 Mike Meloy, Self
01:02:15 Al Smith, Montana Trial Lawyers Association (MTLA)
01:03:18 Jim Brown, Self
01:06:50 Derf Johnson, Montana Environmental Information Center (MEIC)
01:08:32 Niki Zupanic, ACLU of Montana

Opponents' Testimony:

01:09:23 Francis Clinch, Chief Legal Counsel, Office of Legal Affairs, Montana Department of Health and Human Services (DPHHS)
[EXHIBIT\(juh35a03\)](#)
01:16:09 Mike Manion, Chief Legal Counsel/Deputy Director, Director's Office, Department of Administration (DOA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:19:35 Rep. Kelker
01:20:34 Al Smith, MTLA
01:21:14 Rep. Kelker
01:21:22 Mike Meloy, Self
01:21:28 Rep. Kelker
01:22:11 Mike Meloy, Self
01:23:23 Rep. McConnell
01:24:07 Mike Meloy, Self
01:25:09 Rep. McConnell
01:25:37 Mike Meloy, Self
01:26:08 Rep. Eck
01:26:35 Francis Clinch, DPHHS
01:27:24 Rep. Eck
01:27:41 Francis Clinch, DPHHS
01:28:36 Rep. Kelker
01:29:38 Francis Clinch, DPHHS

Closing by Sponsor:

01:30:22 Rep. Wagoner

HEARING ON HB 448**Opening Statement by Sponsor:**

01:32:23 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 448, Revise right to know laws related to attorney fees.

Proponents' Testimony:

01:35:15 Jim Brown, Self
01:40:18 Mike Meloy, Self
01:42:14 John MacDonald, Montana Newspaper Association

EXHIBIT(juh35a04)

01:43:20 Al Smith, Montana Trial Lawyers Association (MTLA)
01:45:10 Derf Johnson, Montana Environmental Information Center (MEIC)
01:45:37 Niki Zupanic, ACLU of Montana

Opponents' Testimony:

01:46:07 Francis Clinch, Chief Legal Counsel, Office of Legal Affairs, Montana Department of Health and Human Services (DPHHS)

EXHIBIT(juh35a05)

01:49:54 Rep. Hill joined the meeting.
01:52:37 Mike Manion, Chief Legal Counsel/Deputy Director, Director's Office, Department of Administration (DOA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:53:57 Rep. Kelker
01:54:51 Mike Manion, DOA

Closing by Sponsor:

01:56:04 Rep. Wagoner

01:57:17 Chair J. Bennett

HEARING ON HB 425

Opening Statement by Sponsor:

01:58:42 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 425,
Constitutional amendment to define person.

Proponents' Testimony:

02:01:44 Annie Bukacek, Montana Pro-Life Coalition (MPLC)

[EXHIBIT\(juh35a06\)](#)

[EXHIBIT\(juh35a07\)](#)

[EXHIBIT\(juh35a08\)](#)

[EXHIBIT\(juh35a09\)](#)

02:05:04 Cal Zastrow, Montana Pro-Life Coalition (MPLC)

[EXHIBIT\(juh35a10\)](#)

02:08:39 Anna Richey, Self

[EXHIBIT\(juh35a11\)](#)

02:11:56 Suzanne Brooks, Self

02:18:11 Tim Schroeder, Self

02:19:08 Nancy J. Engebretson, Self

[EXHIBIT\(juh35a12\)](#)

02:27:27 Dave Lewis, Self

02:27:50 Jerry O'Neil, Self

[EXHIBIT\(juh35a13\)](#)

02:28:22 Margaret Mullaly, Self

02:28:35 Bill Kosloskey, Self

02:29:02 Russoll Suor, Self

02:29:36 Raymee Haubrich, Self

[EXHIBIT\(juh35a14\)](#)

02:30:01 Dan Happel, Self

02:30:24 Vivian Allen, Self

02:30:46 Jill Shepherd, Self

[EXHIBIT\(juh35a15\)](#)

02:31:06 Kari Beebe, Self

02:31:17 Jeannie Poe, Self

02:31:30 Hollis Poe, Self

02:32:07 Gary Hopkins, Self

02:32:24 Mark K. Stevens, Manna Basket Ministries

[EXHIBIT\(juh35a16\)](#)

02:32:48 Todd Bernhardt, Self

[EXHIBIT\(juh35a17\)](#)

[EXHIBIT\(juh35a18\)](#)

[EXHIBIT\(juh35a19\)](#)

[EXHIBIT\(juh35a20\)](#)

[EXHIBIT\(juh35a21\)](#)

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[EXHIBIT\(juh35a25\)](#)

[EXHIBIT\(juh35a26\)](#)

[EXHIBIT\(juh35a27\)](#)

[EXHIBIT\(juh35a28\)](#)

Opponents' Testimony:

02:33:13 Niki Zupanic, ACLU of Montana

02:36:56 Bill Hallinan, Self

[EXHIBIT\(juh35a29\)](#)

02:40:45 Martha Stahl, Planned Parenthood of Montana

02:43:27 Patricia Christian, Self

02:44:31 Maggie Moran, NARAL Pro-Choice Montana

[EXHIBIT\(juh35a30\)](#)

02:48:14 Stan Frasier, Self

02:49:28 Nikolas Griffith, NARAL Montana

02:51:15 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Informational Testimony:

02:53:36 Jorge Quintana, Chief Legal Counsel, Executive Division, Office of the Secretary of State (SOS)

Questions from Committee Members and Responses:

02:54:20 Rep. Hill

02:54:51 Jorge Quintana, SOS

02:55:04 Rep. Hill

02:55:09 Jorge Quintana, SOS

02:55:26 Rep. Hill

02:55:34 Rep. Monforton

02:55:51 Rep. Hill

02:56:14 Maggie Moran, NARAL Pro-Choice Montana

02:56:26 Rep. Fiscus

02:56:53 Annie Bukacek, Montana Pro-Life Coalition (MPLC)

02:57:29 Rep. Regier

02:57:49 Niki Zupanic, ACLU of Montana

02:57:54 Rep. Regier

02:57:59 Niki Zupanic, ACLU of Montana

02:58:14 Rep. Regier

02:58:18 Niki Zupanic, ACLU of Montana

02:58:31 Rep. Regier
02:58:55 Bill Hallinan, Self
02:59:05 Rep. Doane
02:59:33 Rep. Monforton

Closing by Sponsor:

03:00:37 Rep. Monforton

03:01:21 Chair J. Bennett

03:01:45 Recessed
03:26:21 Reconvened

03:26:26 Rep. McConnell
03:26:34 Chair J. Bennett

EXECUTIVE ACTION ON HB 298

03:26:51 **Motion:** Rep. Doane moved that **HB 298 DO PASS.**

Discussion:

03:26:59 Helen Thigpen, LSD
03:27:25 Rep. MacDonald
03:27:59 Rep. Person
03:28:31 Rep. Fiscus
03:29:05 Rep. Kelker

03:29:39 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 317

03:30:40 **Motion:** Rep. Doane moved that **HB 317 DO PASS.**

Discussion:

03:30:46 Helen Thigpen, LSD
EXHIBIT(juh35a31)
03:31:06 Rep. Hill
03:32:15 Rep. Monforton
03:33:53 Rep. Hill
03:34:25 Chair J. Bennett
03:34:50 Rep. Fiscus
03:35:22 Rep. Hill
03:36:21 Rep. Eck
03:36:54 Rep. Hill

03:37:35 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Monforton, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Pease-Lopez voted by proxy.

03:38:50 **Motion/Vote:** Rep. Doane moved that **HB 317 BE TABLED**. Motion carried unanimously by voice vote. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 330

03:39:18 **Motion:** Rep. Doane moved that **HB 330 DO PASS**.

Discussion:

03:39:26 Helen Thigpen, LSD

[**EXHIBIT\(juh35a32\)**](#)

03:39:53 **Motion:** Rep. Doane moved that **HB 330 BE AMENDED**.

Discussion:

03:40:07 Helen Thigpen, LSD

03:42:56 Rep. Wagoner

03:43:38 **Vote:** Motion carried unanimously by voice vote. Rep. Pease-Lopez voted by proxy.

03:43:52 **Motion/Vote:** Rep. Doane moved that **HB 330 DO PASS AS AMENDED**. Motion carried 20-1 by roll call vote with Rep. Court voting no. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 333

03:45:16 **Motion:** Rep. Doane moved that **HB 333 DO PASS**.

Discussion:

03:45:21 Helen Thigpen, LSD

[**EXHIBIT\(juh35a33\)**](#)

03:46:02 **Motion:** Rep. Doane moved that **HB 333 BE AMENDED**.

Discussion:

03:46:14 Helen Thigpen, LSD

03:48:08 Rep. McConnell

03:48:23 Helen Thigpen, LSD

03:48:48 Rep. Wagoner

03:49:22 Rep. Eck

03:50:02 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Pease-Lopez voted by proxy.

03:51:04 **Motion:** Rep. Doane moved that **HB 333 DO PASS AS AMENDED.**

Discussion:

03:51:13 Rep. MacDonald

03:52:07 Rep. McConnell

03:52:47 Rep. Eck

03:53:16 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 371

03:54:20 **Motion:** Rep. Doane moved that **HB 371 DO PASS.**

Discussion:

03:54:26 Helen Thigpen, LSD

03:54:56 Rep. Doane

03:54:59 Helen Thigpen, LSD

03:55:02 Rep. Hill

03:55:39 Rep. Regier

03:56:00 Rep. MacDonald

03:56:44 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 388

03:57:45 **Motion:** Rep. Doane moved that **HB 388 DO PASS.**

Discussion:

03:57:50 Helen Thigpen, LSD

[**EXHIBIT\(juh35a34\)**](#)

03:58:13 **Motion:** Rep. Doane moved that **HB 388 BE AMENDED.**

Discussion:

03:58:30 Rep. Hill

03:59:55 Rep. Regier

04:00:06 Helen Thigpen, LSD

04:00:55 Rep. Hill

04:01:33 Rep. Regier

04:01:44 Rep. Pinocci

04:01:57 **Vote:** Motion failed 8-13 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez and Rep. Perry voting aye. Rep. Pease-Lopez voted by proxy.

04:03:15 Rep. Person

04:04:27 Rep. Eck

04:05:09 Rep. Pinocci

04:06:27 Rep. Hill

04:07:35 Rep. McConnell

04:08:30 Rep. Fiscus

04:08:56 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 412

04:10:09 **Motion:** Rep. Doane moved that **HB 412 DO PASS.**

Discussion:

04:10:15 Helen Thigpen, LSD

04:10:24 Rep. Regier left the meeting.

04:10:55 Rep. Kelker

04:11:41 Rep. McConnell

04:11:51 Rep. Person

04:12:13 **Vote:** Motion carried 15-6 by roll call vote with Rep. J. Bennett, Rep. Hess, Rep. Laszloffy, Rep. Manzella, Rep. Meyers and Rep. Wagoner voting no. Rep. Pease-Lopez and Rep. Regier voted by proxy.

04:13:24 Chair J. Bennett

ADJOURNMENT

Adjournment: 04:14:29

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh35aad.pdf](#))